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Remarks

Claims 1-3 and 15-18 are pending in the present application.

Rejection Under 35 U.S.C. § 103(a)

Claims 1-3 and 15-18 stand rejected under 35 U.S.C. § 103(a) as being obvious over GB 2,259,014 to Hadas et al. (hereinafter "Hadas") in view of U.S. Patent No. 3,598,841 to Swift (hereinafter "Swift"), JP 08-337,534 (hereinafter JP '534), and further in view of Machida et al., Chem. Pharm. Bull., Vol. 37, No. 4, pp. 1092-1094 (1989) (hereinafter "Machida") and Sarin et al., Tetrahedron, Vol. 8, pp. 64-66 (1960) (hereinafter "Sarin"). The Examiner suggests that it would have been obvious to make a composition according to Hadas employing citris unshiu extract because it is known as a whitening agent. Applicants respectfully disagree.

As indicated in pending claim 1, the cosmetic composition of the present invention includes an extract obtained from Citrus tachibana and/or Citrus unshiu that contains polymethoxyflavones in an amount of 0.00005 to 10 wt%.

The extract is preferably obtained by specific processes described in claims 15 and 17. More specifically, the extract can be obtained by a process where a plant that is at least one of Citrus tachibana and/or Citrus unshiu is extracted with at least one solvent selected from methanol, ethanol, propanol, butanol, ethyl acetate, acetone, propylene glycol and 1,3-butylene glycol to obtain an extract (S1), which is dissolved in ethyl acetate, adding water thereto, stirring, separating the mixture into layers, removing a water layer and distilling off the ethyl acetate.

Alternatively, S1 is dissolved in hexane and/or chloroform as a solvent, a precipitate is removed and the solvent is distilled off. When required, the final

product (the extract) is dissolved in a solvent and is subjected to liquid column chromatography.

Since the cosmetic composition of the present invention contains an extract obtained according to the above-mentioned processes in a specific amount, the cosmetic composition not only provides a whitening effect to the skin but also revitalizes the skin and suppresses wrinkles and, furthermore, the composition has excellent storage stability. The cosmetic composition is especially excellent in storage stability as evidenced by the fact that no precipitation occurs when it is stored for long period of time. See Examples 5 to 11 (especially, Table 8 on page 28) of the present specification.

In the present invention, Applicants sought to provide a cosmetic composition that provides an excellent whitening effect, prevents skin aging, is safe to use and has excellent storage stability. Applicants solved the problem through the use of the extract obtained according to the above-mentioned processes in the cosmetic composition at the specified amounts (see page 2, lines 23-25 of the specification).

Although the cited documents, Hadas, Swift and JP '534, disclose a whitening effect, they fail to teach or suggest a cosmetic composition having the characteristics of revitalizing the skin, suppressing wrinkles and excellent storage stability that are the distinctive features of the composition of claim 1.

Furthermore, Hadas fails to disclose an extract obtained from Citrus tachibana or Citrus unshiu using one of the specified extraction processes. Also, Hadas fails to disclose the specific polymethoxyflavone shown by formula (I), having at least four substituents as described in claim 1 of the present invention. Hadas

merely describes a flavonoid derived from plant extracts and a cosmetic composition containing such a flavonoid and kojic acid. (See page 2, first and second paragraphs, and abstract of Hadas.)

Swift merely describes that the juice squeezed from orange peel contains nobiletin and closely related compounds as flavonoids. (See column 1, lines 31-36 of Swift.)

JP '534 fails to describe the specific polymethoxyflavone shown by formula (I) having at least four methoxy substituents described in claim 1 of the present invention. JP '534 merely describes that kippi extract has an effect of suppressing melamine formation and, thus, has whitening effect.

In addition, Machida and Sarin fail to teach or suggest the process of obtaining the extract as described in claims 15 and 17 of the present application. In Machida, an extract is obtained by the process of extracting peels of hassaku with ethanol, followed by an isolation process using ether and water. (See page 1094, left column, of Machida.) In Sarin, an extract is obtained by the process of extracting peels of Citrus aurantium with hot alcohol, followed by an isolation process using ether and 5% NaOH. (See page 65, lines 15-24 of Sarin.) In this way, Machida and Sarin employ a process and solvents that are different from those employed in the present invention. As mentioned above, Machida and Sarin fail to teach or suggest an extract derived from Citrus tachibana and/or Citrus unshiu and, furthermore, fail to teach or suggest that the extract has the excellent storage stability when it is used in a cosmetic composition.

As mentioned above, Hadas, Swift, JP '534, Machida and Sarin fail to disclose or suggest the use of the specific extract derived from Citrus tachibana

and/or Citrus unshiu that is obtained by the above-mentioned specific processes. Therefore, the extract employed in the present invention is totally different from the extract disclosed in or suggested by the combined cited prior art.

Even if those skilled in the art combine the cited prior art documents, the cosmetic composition of the present invention cannot be obtained. Accordingly, claims 1-3 and 15-18 are not obvious over the combined cited prior art and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

Conclusion

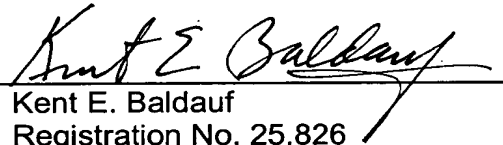
For all of the reasons indicated above, claims 1-3 and 15-18 are not obvious over the cited prior art and are in form for allowance.

Therefore, in view of the remarks above, reconsideration of the rejections and allowance of claims 1-3 and 15-18 are respectfully requested.

Respectfully submitted,

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